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State of New Hampshire

OFFICE OF ATTORNEY-GENERAL

January 18, 1956

Attorney General

Elmer T. Bourque
Assistant Attorney General

Stuart B. Wilkins, Business Manager
Division of Business Management
17 Capitol Street
Concord, New Hampshire

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CONCORD, N.H.

Dear Mr. Wilkins:

This is in response to your request of December 28, 1955, for an opinion as to whether the hospital records of patients at the Pembroke Sanatorium are records of the Health Department or the property of the Sanatorium. We understand that the Pembroke Sanatorium is a private institution, staffed by its own doctors and nurses who are not state employees or in any way connected with the state service. Certain individuals afflicted with tuberculosis are cared for at the Sanatorium under the terms of an agreement between the State and that Institution. The Sanatorium is paid on a per diem basis under the agreement. We are advised that the aforementioned agreement contains no reference to the records in question.

It is the opinion of this office that these hospital records are the property of the Pembroke Sanatorium and not the records of the Health Department. If the Department of Health is of the opinion that these records will be of some benefit to them, the Department may accept the records. I understand from your letter that the Sanatorium is willing to turn the records over to the Department.

Very truly yours,

Elmer T. Bourque
Assistant Attorney General

ETB/T